

Appeal No. VA01/2/034

AN BINSE LUACHÁLA
VALUATION TRIBUNAL
AN tACHT LUACHÁLA, 1988
VALUATION ACT, 1988

Creavin & Co. Solicitors

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Office at Map Reference 18c Stillorgan South, Stillorgan Merville, Co. Dublin.

B E F O R E

Fred Devlin - FSCS.FRICS

Deputy Chairman

Patrick Riney - FSCS. MIAVI

Member

Frank O'Donnell - B.Agr.Sc. FIAVI

Member

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 11TH DAY OF APRIL, 2002

By Notice of Appeal dated the 29th day of July 2001, the appellant appealed against the determination of the Commissioner of Valuation in fixing a Rateable Valuation of £50, on the above described hereditament.

The grounds of appeal were set out in the Notice of Appeal as follows:

"That the valuation is excessive, inequitable and bad in law."

1. This appeal proceeded by way of an oral hearing held in the offices of the Tribunal at Ormond House, Ormond Quay Upper, Dublin 7 on the 28th of November 2001. The appellant was represented by Mr. Eamonn Halpin ASCS, ARICS and the respondent by Mr. Damien Curran ASCS, ARICS, a District Valuer in the Valuation Office.
2. The property, which was the subject of this appeal, comprises a small suite of offices at second floor level in a part three storey and part four storey building fronting onto lower Kilmacud road opposite to the Stillorgan Shopping Centre. The building has a retail unit at ground floor level with offices overhead and a car park at the rear.
3. The accommodation comprises two offices together with a store, which has restricted headroom and one car parking space at the rear.

The offices measured on a Net Internal Area basis are as set out below.

Front Office (no natural lighting)	18.06 m ²
Rear Office	44.22 m ²
Storage Space	9.29 m ²
1 Car Parking Space	

4. Mr. Halpin gave evidence that the property is held under a short-term lease at £21,000 per annum from early 2000.
5. In oral evidence Mr. Halpin emphasised the fact that one of the offices had no natural lighting and was of the opinion that there should be a differential in the value attributed to this space. In his evidence Mr. Halpin contended for a rateable valuation of £31.68p calculated as set out below.

Front Attic Office (no natural lighting)	18.06m ²	@ £53.07 per sq.m.	= £970
Rear Office	44.22m ²	@ £86.11 per sq.m.	= £3808
Storage Space	9.3 m ²	say	£100
1 Car Parking Space			£150
Total Net Annual Value			= £5028
Rateable Valuation of	.63%		=£31.68

In support of his valuation Mr. Halpin produced four comparisons, which are set out in Appendix 1, attached to this judgement.

6. Mr. Damien Curran having taken the oath adopted as his evidence in chief his written submission and valuation, which had been received by the Tribunal on the 12th November 2001. In his evidence Mr. Curran contended for a rateable valuation of £50 calculated as set out below.

62.24 sq.m.	@	£118.40p per sq.m.	=	£7369
Store 9.29 sq.m.	@	£32.29p per	=	£300
1 Car Space				£150
Net Annual Value			=	£7,819
Rateable Valuation	@	.63%	= say	£50

In support of his opinion of value Mr. Curran introduced two comparisons as set out in Appendix 2 attached to this judgement.

7. Under cross examination it came to light that Mr. Curran's comparison number 1 is situated within the same building as the subject property and was agreed with Mr. Halpin at first appeal stage. The second comparison is also situated within the same building and was not appealed at first appeal stage as according to Mr. Curran the occupier considered the valuation to be fair and reasonable.

8. Findings

- 1) The Tribunal has carefully considered all the evidence introduced and the arguments adduced by the parties and has carefully examined all of the comparisons.
- 2) Of all the comparisons introduced Mr. Curran's comparison number 1 is considered to be the most helpful in that it is situated within the same building as the subject and was agreed at first appeal stage with Mr. Halpin. This comparison however is somewhat smaller than the subject.
- 3) The Tribunal accepts Mr. Halpin's contention that some allowance must be made to reflect the fact that the office accommodation fronting onto Kilmacud Road has no natural light.

9. Determination

Having regard to all the evidence adduced including the comparisons the Tribunal determines the Net Annual Value of the subject to be as follows.

Rear Office	44.22sq.m.	@	£110 per sq.m.=	£4,864
Front Office	18.06sq.m.	@	£82 per sq.m. =	£1,480
Car Parking Space		say		£150
Net Annual Value		say	=	£6,500
Rateable Valuation		@	.63% =	£41 (€2.06)